

ST. BARTHOLOMEW’S ANGLICAN PRO-CATHEDRAL IN THE TOWN OF TONAWANDA

The Very Rev. Fr. Arthur W. Ward, Jr. + Dean

Scripture: James 4:6-12

“The Supreme Court Mess Matters”

A SAD DAY IN AMERICA

On August 30, football fans, coaches and players in Lake City, Michigan, gathered together on the football field to form what they called a “family circle.” The Lake City school district has been holding “family circles” for more than a decade. It’s an opportunity for coaches to recognize players after a game. Typically, prayer is not a part of the post-game gathering. But this night was different.

They came together to pray for Harper Smith, the four-year-old daughter of head coach Kyle Smith. Harper had been hospitalized for several months while fighting a serious intestinal illness. Local businessman Bruce DeBoer told television station WPBN, *“We pray for the young girl. We hope that she gets better soon because for anybody to be ill like that is one thing – but for a little child it goes a lot deeper,”*

So a video of the poignant moment was shared on a school Facebook page. And soon afterwards, you guessed it, the school got letters from the Michigan Association of Civil Rights Activists (MACRA) and the Freedom from Religion Foundation. The cease-and-desist letters to the school explained that they were promoting a prayer service at a public school and demanded that they take the videos down.

Community member Lacie Henjal told 9&10 News that she supported the team’s decision to hold a prayer circle and the school’s decision to publicize it on their website. *“Yes, a pastor offered prayer, but it was never advertised as a prayer event; it was a family circle coming to support Kyle, Harper, Linda and Hudson. It bothers me that someone that’s not from our community is trying to silence us.”* Henjal emphasized that no one was forced to participate. But MACRA’s co-founder, Mitch Kahle, said that it’s not about anyone being forced or not forced to participate. *“The bottom line is it’s the property of the school and the school has a responsibility to treat it just like any other school property, and that means it has to remain free of religion.”*

The school initially refused to remove the videos, but finally took them down a couple weeks ago. Leaving them up could have resulted in a lawsuit from MACRA or the Freedom From Religion Foundation, which has also sent several letters to the school.

“It is unlawful for a school district to schedule prayer at school-sponsored events,” Freedom From Religion legal fellow Colin McNamara wrote in another threatening letter to the school district. *“The district must not schedule, promote, or endorse prayer of any kind at any school-sponsored events, including football games.”* The FFRF was especially disturbed to learn that coaches had bowed their heads to pray for the sick little girl. *“Public school coaches must refrain not only from leading prayers themselves, but also from participating in students’ prayers,”* McNamara wrote. He said coaches and public school employees are forbidden by federal law from *“even minimal involvement in the prayer.”*

The Third Circuit Court of Appeals ruled in 2008 that coaches cannot take a knee or bow their heads during prayers because it “*would lead to a reasonable observer to conclude he was endorsing religion*” even when the prayer was student led. So the school district begrudgingly removed the video on the advice of their legal counsel. Lake City School Superintendent Kimberly Blaszak said she “very keenly” understood the disappointment and frustration among community members, but she did not want to subject the small school district to “significant financial penalties.”

While there haven’t been any other prayer circles, community member Jennifer Smith told 9&10 News that the attention from MACRA’s cease-and-desist has helped the fundraising effort tremendously. “All they’ve really done for us is increase the funding, the fundraising, and there are schools down in Jennison that are now wearing #harperstrong on their football helmets.” The school has continued to fundraise for little Harper and held a spaghetti dinner recently to raise more money for her care and for the family.

News Commentator Todd Starnes was right when he said, “*It’s a mighty sad day in America when professional football players can take a knee to protest the national anthem*, but high school football players can’t take a knee to pray for a sick little girl.*” *I believe he meant during the national anthem.

THE STAKES ARE HIGH

And that, my brothers and sisters, is why what is going on involving the United States Supreme Court matters! The only reason why we have such issues like the one we just heard is because of nine judges who have the ultimate authority to declare what is right and what is wrong - who have the ultimate authority to declare whether or not a law is right – constitutional, or wrong – unconstitutional. The Constitution is the Bible of our government. The Supreme Court is given the authority to determine what is Constitutional and what is not Constitutional. Doesn’t matter if a majority of our legislators agree on laws that the majority of our people agree upon. If the Supreme Court says they are wrong, they are wrong. And the rulings are always based on the opinion of the Court. In other words, the Court itself admits that it is an opinion - it is an interpretation. So if you have a 5-4 ruling, all that it means is that you have a major difference of opinion.

There is always bias. The question is what bias do you want on the court? If you believe in God, that is a bias. If you don’t believe in God, that is a bias. If you believe the constitution is a changing document, that is a bias. If you believe it does not change, that is a bias. Which bias do you want on the court? John Quincy Adams, son of John Adams and America’s 6th president, stated, “*The highest glory of the American Revolution was this: it connected in one indissoluble bond the principles of civil government with the principles of Christianity.*”

Let me read the portion of the First Amendment that deals with religion, “**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;**”

And there’s the rub. You can’t establish a particular religion on the one hand, but you can’t prohibit the free exercise thereof. That’s the dilemma. To what degree on either side of the issue – how active or passive should the right to prohibit or the right of free exercise be? And that is where interpretation comes in.

The truth is, though our Founding Fathers gave us a wonderful basis for government, I believe there is simply too much power vested in the nine justices of the Supreme Court. The only way you can overturn a ruling by the Supreme Court is to amend the Constitution and that means getting two-thirds of the Senate to agree and then 38 of 50 states to ratify it. In other words, you need a super majority. And when the Supreme Court rules, they in essence take the matter out of the hands of the people. They destroy the democratic process. It's why I believe the Supreme Court is the most dangerous institution in America. It can take away the rights of voting citizens simply by a 5-4 vote.

And that is why this is such a big battle. But we are not dealing with just different judicial opinions; we are not just dealing with different laws; we are dealing with life and death issues – both physically and spiritually.

SUPREME COURT CASES THAT WOULD HAVE THE FOUNDING FATHERS TURNING IN THEIR GRAVES!

Let's take a brief look back at how things have developed and changed in our land through the Supreme Court. In 1962, in *Engel v. Vitale* by an 8-1 vote the Court struck down prayer in school instead of leaving it to states, to the people to decide. Since the founding of our nation, all public school classrooms had begun the day with prayer. What was the prayer that the Court deemed unconstitutional? The New York State Board of Regents Prayer - "*Almighty God we acknowledge our dependence on Thee. We beg Thy blessings upon us and our parents and our teaches and our country. Amen.*" Use of the Regent's prayer was initially upheld in both New York State Court and in the New York Court of Appeals, prompting Engels, the upset parent involved, to petition the US Supreme Court. The ruling made public recitation of the Regents' Prayer in public schools unlawful. It was the U.S. Supreme Court's first-ever decision on prayer in public schools.

It made its second ruling concerning prayer the following year in 1963 - in the *Abington School District v. Schempp* case. This ruling (again 8-1) made the corporate reading of the Bible and recitation of the Lord's Prayer unlawful in public schools. (A related case was brought by infamous mother, Madalyn Murray O'Hair, on behalf of her son, plaintiff William J. Murray III, when she filed suit against the local school system in *Murray v. Curlett* to prohibit compulsory prayer and Bible reading in public schools. Her case was consolidated with *Schempp's* on appeal to the Supreme Court.)

What was the Court's justification? "*If portions of the New Testament were read without explanation, they could and have been psychologically harmful to children.*" The problem with such a ruling? No legal or historical precedent was cited to back it! Bible reading was now unconstitutional, though the Bible was quoted innumerable times by those who wrote our Constitution and shaped our Nation and government!

In 1965, the Supreme Court unanimously ruled that a child who bows his or her head before a meal and says a prayer aloud is unconstitutional. What was the prayer of contention? Having kindergarteners pray in a New York City School "*God is good, God is great. We thank Him for our food, Amen.*" The principal of the Queens' school put the kibosh on the prayer. It was the parents who took the school to court! The suit was brought by parents of 21 pupils in P. S. 184 after Principal Elihu Oshinsky ordered

recitation of the nursery prayer stopped in September, 1962. He said he was acting in accordance with a New York City Board of Education decision. Federal District Judge Walter Bruchhausen ruled in favor of the parents, who included Protestants, Catholics, Jews, Greek Orthodox and Armenian Apostolics. That ruling was reversed by the Court of Appeals of the Second Federal Circuit. The Supreme Court, unanimously, left standing the Appeals Court ruling.

In 1973, with many states still forbidding the practice, in (*Roe v. Wade* with 7-2 majority) the Supreme Court made abortion legal. In 1980 by a 5-4 ruling (*Stone v. Graham*), the Court ruled that the Kentucky statute that required the Ten Commandments to be posted in school classrooms was in violation of the First Amendment. This was affirmed again in 2005 (*McCreary County v. ACLU of Kentucky*), concerning a case involving displaying the Ten Commandments in county courthouses. In a 5-4 ruling, Justice David Souter wrote on behalf of the Court's majority opinion that the Commandments are "*undeniably a sacred text in the Jewish and Christian faiths*" but that their display in public classrooms "*violated the First Amendment's bar against establishment of religion.*"

In 1992, (*Lee v. Weisman*) again by a 5-4 majority the Supreme Court ruled that the Establishment Clause of the First Amendment (what we read earlier) does not permit a public school to hold a religious prayer led by clergy during its graduation. I remember at my high school graduation we had a local pastor open the ceremony in prayer. Seven years later, no more! The Supreme Court has made it illegal!

And then in May of 2015, the Court again by a 5-4 ruling redefined marriage. Five judges, really just one judge, with a stroke of a pen, redefined marriage. Marriage was established by God in creation. It is as Justice Anthony Kennedy wrote in his decision for gay marriage, "*a most profound union!*" Exactly, a union between husband and wife, not between a man and a man or a woman and a woman! God made us male and female to make us one. That is the most profound union. It is so profound that God says it represents Christ and His Church. Jesus is the groom and the Church is the bride. But the Supreme Court made the determination, not God. God defines love, not mankind. God defines marriage, not the Supreme Court. Jesus said, "*Render unto Caesar's what is Caesar's and to God what is God's.*" Marriage is God's creation, not man's, and certainly not the Supreme Court's!

ONLY ONE LAWGIVER AND JUDGE

What did we hear from our **James** reading today? **4:21: *There is only one Lawgiver and Judge, the One who is able to save and to destroy;*** How fitting that this verse is in our lectionary after a week we just witnessed. ***There is only one Lawgiver and Judge; the One who is able to save and to destroy.*** James is not just referring to God the Father, but God – Father, Son and Holy Spirit! And specifically, it is the Son who is given the authority to judge the living and the dead. Jesus is the judge, jury and executioner! Who comes back on a white horse to inflict the wrath of God on the unrighteous? Jesus Christ, the Word of God, the one who has King of kings and Lord of lords on his thigh, the One who will slay the wicked with simply the breath of his mouth! (**Revelation 19:12-16**)

And it is with this backdrop that we need to understand and discern what is going on in our nation concerning the nomination of Judge Kavanaugh and the accusations that have been leveled against him. What we are witnessing is the mess that is real life. How things are not always what they seem. How

things can become gray. There is definitely a spirit of darkness that has descended upon the whole process and our government has a whole. And there is only one reason for it. The spirit of the flesh, the world, and the devil.

And the only way to rise above it is the way Christ rose above it. He stood for the truth and He did not shrink back from challenging His accusers for confronting injustice and hypocrisy, but He also listened to those who had complaints or questions or concerns and even those who would question and deride Him. He did not strike back or belittle those around Him. He gave answers where answers were warranted, He encouraged wherever there was a need. He called people on their sin but He also offered restoration and healing. Regardless of it all, He always kept in mind the greater purpose and mission of His Father. He always moved forward with this task in mind. He understood that life is always about that which is greater than yourself – the Kingdom of God and even in Jesus Christ’s case as the Son He never emphasized Himself; He always brought attention to His Father.

There is enough sin, sloppiness and insensitivity to go around both sides of the aisle when it comes to the Kavanaugh hearings and the governing that we have witnessed the last thirty years. We shouldn’t be surprised at the slander directed at any Supreme Court nominee that is likely to overturn or limit Roe v. Wade. That is a good part of what this is about. Life and death. But character is also fundamentally important. Two wrongs don’t make a right. We are called to be above reproach.

I understand that what Judge Kavanaugh is being accused of is from high school. Presidents John F. Kennedy and Bill Clinton were engaged in sexual harassment while they were in office. Character does matter. Judge Kavanaugh has demonstrated good character for the last thirty years. The attacks on him and the manor of those attacks have been unfair. At the same time Dr. Ford seems credible. She appears to have been deeply wounded by an event in her past. The truth is the victims of sexual assault are numerous and more often than not, keep quiet. We need to be sensitive to their pain and not discount it. It is also quite possible that in the mind of both they are telling the truth. We need to first and foremost be in prayer for them and their families. With God all things are possible. Life is not neutral. It is a battle.

OUR RESPONSE

Whatever happens, we need to remember that God is sovereign. We need to keep our focus on Him and work for his Kingdom, His righteousness. And that means not giving up or throwing in the towel, not becoming despondent but continuing to fight the good fight of faith. Be fervent in prayer.

Our reading from James truly reminds us of how we are to go about the fight. ***“GOD IS OPPOSED TO THE PROUD, BUT GIVES GRACE TO THE HUMBLE.”*** *7Submit therefore to God. Resist the devil and he will flee from you. 8Draw near to God and He will draw near to you. Cleanse your hands, you sinners; and purify your hearts, you double-minded. 9Be miserable and mourn and weep; let your laughter be turned into mourning and your joy to gloom.10Humble yourselves in the presence of the Lord, and He will exalt you. 11Do not speak against one another, brethren. He who speaks against a brother or judges his brother, speaks against the law and judges the law; but if you judge the law, you are not a doer of the law but a judge of it. 12There is only one Lawgiver and Judge, the One who is able to save and to destroy; but who are you who judge your neighbor?*

The Apostle Paul also gives what we should be about no matter what in his letter to the **Romans 12:10-21**. He writes, ***“Let love be without hypocrisy. Abhor what is evil; cling to what is good. 10Be devoted to one another in brotherly love; give preference to one another in honor; 11not lagging behind in diligence, fervent in spirit, serving the Lord; 12rejoicing in hope, persevering in tribulation, devoted to prayer, 13contributing to the needs of the saints, practicing hospitality. 14Bless those who persecute you; bless and do not curse. 15Rejoice with those who rejoice, and weep with those who weep. 16Be of the same mind toward one another; do not be haughty in mind, but associate with the lowly. Do not be wise in your own estimation. 17Never pay back evil for evil to anyone. Respect what is right in the sight of all men. 18If possible, so far as it depends on you, be at peace with all men. 19Never take your own revenge, beloved, but leave room for the wrath of God, for it is written, “VENGEANCE IS MINE, I WILL REPAY,” says the Lord. 20“BUT IF YOUR ENEMY IS HUNGRY, FEED HIM, AND IF HE IS THIRSTY, GIVE HIM A DRINK; FOR IN SO DOING YOU WILL HEAP BURNING COALS ON HIS HEAD.” 21Do not be overcome by evil, but overcome evil with good.”***

Oh, if only that passage was read everyday in our schools, what good could result! That, my brothers and sisters, is what we are always to be about. Paul just summed it up.

As Christians, we can't retreat. It is why your vote, your prayers, your involvement first beginning in the local church matters. Spiritual warfare will continue, and we have all that we need to fight the battle. We need to just keep on keeping on. Pray for the US Senate, pray for both parties, pray for Ford and Kavanaugh, pray that good would come from this and that the right Supreme Court Justice will be put on the Court. In the name of the Father, and of the Son, and of the Holy Spirit, AMEN!